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CIVIL AND POLITICAL RIGHTS

Written statement* submitted by the International Federation for Human Rights (FIDH), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 January 2002]

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*/ This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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ENG

The Human Rights Situation in Kyrgyzstan

The International Federation for Human Rights (FIDH) and its member organization, the Kyrgyz Committee for Human Rights (KCHR), are very preoccupied by the persistent violations of international human rights law in Kyrgyzstan. These violations consist in the muzzling of any divergent opinion expressed by political opponents, independent journalists and human rights defenders ; the frequent practice of torture and ill-treatments ; death penalty sanctions ; and the persecution of religious activists.

The FIDH and the KCHR are very concerned by the continued instrumentalization of the judiciary with the aim of neutralizing any opposition movement :

- Felix Kulov, the President of the main opposition party, Ar-Narmy Party, who has been in prison since he was sentenced to seven years imprisonment on the basis of fabricated charges on 22nd January 2001, is now facing new charges, which may lead to a prolongation of his prison sentence.

- Topchubek Turgunaliev, the leader of the Erkindik Party (second main opposition party), who was sentenced to 16 years imprisonment on the eve of the presidential elections in September 2000, benefited from Presidential pardon in August 2001 following international pressure. However, he has been impeded to leave the country since his release.

- On 5th January 2002, the Chairman of the Parliamentary Committee on Judicial Reform and Legality of the Legislative Council, Azimbek Beknazarov, was arrested and charged with « abuse of power », as well as « detention of an innocent person », in relation with his position, in 1995, as an investigator of Toktogul regional Prosecutor's Office. This case of judicial persecution against a member of Parliament appears as a blatant act of reprisal against Mr. Beknazarov's recent criticisms of the government's policy regarding the recent decision to transfer Kyrgyz territories to China and Kazakhstan.

More generally, supporters of opposition parties and demonstrators are regularly exposed to persecution, arrests and judicial procedures. On 6th January 2002, students who had decided to organize a demonstration against the government's decision to transfer some Kyrgyz territories to China and Kazakhstan, were impeded to demonstrate by the security forces, who mobilized more than 3000 militia men on the eve of the demonstration, searched the organizers of the event and threatened to dismiss lecturers and professors if they refused to exert pressure on the students, in order to make them cancel their demonstration.

The repression exerted by the authorities also targets independent and opposition media who face both censorship and judicial harassment : the well-known Asaba newspaper was declared bankrupt on 20th April 2001 by the Bishkek Court of Arbitration and was shut down, after being sentenced to pay a very heavy fine.

The publication of the opposition newspaper Res Publica is frequently suspended due to the censorship of the National Security Services, who exert pressure on its printing house ; when printed the distribution of the newspaper is often interrupted. In summer 2001, its chief-editor, Mrs. Zamira Sydykova, and a collaborator of the newspaper, Mr. Giaz Tokombaev, were repeatedly threatened with death and asked to stop criticizing President Akaev's family. The newspaper, as well as its editor-in-chief, are also the subject of repeated judicial procedures.

Moreover, the licenses of 16 new independent newspapers, registered between 9th April and 25th May 2001, were cancelled on 20th June 2001 by the Ministry of Justice, who stated that no

new media could be created from 5th April to 1st July. During this period, all existing media had to be re-registered under the « Ministry of Justice Board Resolution on the issue of mass media registration » (5th April 2001).

On 28th May 2001, journalists Muhtar Topchiev and Samagan Orozaliev were respectively sentenced to nine and eight years imprisonment, in relation with their role in the preparation of a TV-program on corruption among local officials.

Human rights defenders are also victims of the authorities' repression1 : in October 2001, Ravshan Gapirov, Director of the Human Rights Centre « Pravosudie Istina » (Justice and Truth) in Kara-Suu, was condemned to 13 years imprisonment and jailed on the same day, in what appears as an act of reprisal against his denounciations of human rights violations in the region. He is still in detention. The President of the KCHR, Ramazan Dyryldaev, has been the victim of persistent judicial persecution. He has been living in exile since July 2000, after an arrest warrant was launched against him, on the basis of a judicial procedure for « non-implementation of a decision of the Court ». The procedure is still pending. More generally, the members of the KCHR have been the object of constant acts of harassment for several years. In 2001 in particular, several members of the KCHR were arrested, sued and attacked, and a defamation campaign was orchestrated against them through the official media, who accused them of threatening the sovereignty of the State.

Moreover, a new law ratified by the President of the Republic on 15th October 2001 (Law on alterations to the Election Code), restricts the action field of Kyrgyz human rights NGOs : by amending article 50 of the Election Code, the law prevents in particular international or foreign organisations from financing Kyrgyz elections. This means that local Kyrgyz NGOs will not be able to benefit from foreign funds any more in order to observe the elections.

Acts of ill-treatment and torture are practiced on a regular basis in detention facilities or during arrests. Many innocent people, arrested on the basis of fabricated charges by the militia in order to get bribe, relate acts of ill-treatment. Most of the time, they are intimidated and threatened, so that they do not complain about those acts. The FIDH and the KCHR underline the fact that the crime of torture is still not included in the Kyrgyz Penal Code, in spite of the recommendations made by the Committee Against Torture in 1999 and of the UN Human Rights Committee in July 2000 on this particular point.

The FIDH and KCHR are also concerned with recent death penalty sentences. On 31st December 2001, an Uigur activist of Uzbek origin was condemned to death for his alleged participation in two murders and kidnappings. On 7th November 2001, two residents of Talas were sentenced to death for the killing of two brothers. The FIDH and the KCHR express their concern over the risk of an increase of death sentences and executions in the future, with the expiration of the moratorium on death penalty in 2001, and the subsisting doubts concerning its renewal.

Finally, the persecution of religious activists of the organization Hizbut-Tahrir is very worrying. According to official information, about 60 representatives of this religious party have been detained and convicted between January and July 2001.

The FIDH and the KCHR consider that the above mentioned facts are blatant violations of the human rights instruments ratified by Kyrgyzstan, in particular the International Covenant on Civil and Political Rights, which guarantees freedoms of expression and demonstration, as well

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1 Cf. Reports and urgent appeals of the Observatory for the Protection of Human Rights Defenders, a joint programme of the FIDH and the World Organisation Against Torture (OMCT)

as the UN Convention against Torture. They also infringe the Declaration of Human Rights Defenders adopted by the General Assembly of the United Nations on 9th December 1998.

The FIDH and the KCHR call upon the Kyrgyz authorities to :

- implement the recommendations of the UN Committee Against Torture which examined Kyrgyzstan in 1999 and the UN Human Rights Committee which examined the situation in Kyrgyzstan in 2000 ;

- implement the recommendations made by Mrs. Hina Jilani, Special Representative of the UN Secretary General on Human Rights Defenders, in her report following her mission in Kyrgyzstan in July 2001 ;

- invite the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers, as well as the Special Rapporteur of the Commission on Human Rights on the promotion and protection of the right to freedom of opinion and expression to investigate into the field of their mandates.